

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:)	Case No.19-44760
Frank Andrew Johnson, Jr. and)	Chapter13
Cora Denise Johnson)	
)	Hearing Date 11/04/2020
)	Hearing Time: 10:00AM
Debtor(s))	Hearing Location: 5 North

**MOTION TO SELL REAL ESTATE
MOTION TO RETAIN PROCEEDS FROM THE SALE
MOTION TO WAIVE FILING FEE AND NOTICE OF HEARING**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY 10/28/2020. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

COME NOW, Debtors, by and through Debtors' undersigned counsel and state as follows:

1. Debtors filed the above-captioned case in good faith under Chapter 13 of the Bankruptcy Code on July 31, 2019.
2. The Court has jurisdiction of this Motion pursuant to 28 U.S.C. §§ 157(a) and 1334(a) and Local Rule 9.01(B)(1) of the United States District Court for the Eastern District of Missouri. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(G).
3. Debtors seek permission to sell their primary residence, located at 512 PLEASANT BREEZE DRIVE, WENTZVILLE, MO-63385.
4. The estimated fair market value of the property is listed on Debtors' Schedules at \$270,000.00.
5. The estimated amount of the mortgage on the property held by, Home Point Financial

Corp "Creditor", is \$ 232,497.68.

6. The Sale price of the real estate is \$285,000.00 Debtors have a prospective buyer, who agrees to purchase the said property from the debtor at the saleprice.
7. Debtors will use the sale proceeds to pay the mortgage lien in full. Debtors wish to keep the sale proceeds in the amount of \$15,000.00 pursuant to RSMO § 513.475 Homestead Exemption to find replacement housing. Balance will be turnover to the trustee.
8. Debtors are filing the Motion to sell real estate using the only event available on the Court's ecf system as Motion to sell real estate free and clear of liens which results in a \$181 filing fee. However, Debtors does not wish to sell real estate free and clear of liens. Debtors wish to have the Court fee of \$181 waived.

WHEREFORE, Debtors pray for an Order of this Court

Granting Debtors' Motion to sell real estate located at located at 512 PLEASANT BREEZE DRIVE, WENTZVILLE, MO-63385

Granting Debtors' Motion to retain \$15,000.00 pursuant to RSMO §513.475 Homestead Exemption to find replacement housing

Granting Debtors' Motion to waive the Court fee for filing of the Motion to sell.

RESPECTFULLY SUBMITTED
A&L Licker Law Firm, LLC

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the **Forgoing Document** was filed electronically with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List on Wednesday, October 14, 2020.

I certify that a true and correct copy of the **Forgoing Document** was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed on the Court's Manual Notice List and listed below on Wednesday, October 14, 2020

/s/ Sandeep Gulia

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Chapter 13 Trustee
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Maryland Heights, MO 63043

Mercy Hospital
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Dallas, TX 75320

Metro Imaging
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Saint Louis, MO 63117

Midland Funding
320 East Big Beaver Rd Ste
Troy, MI 48083

Midland Funding, LLC
2365 Northside Dr Ste 300
San Diego, CA 92108

Midwest Special Surgery
11970 Borman Drive
Suite 250
Saint Louis, MO 63146

Missouri Department of Revenue
PO Box 475
301 W. High Street
Jefferson City, MO 65105-0475

Mohela/dept Of Ed
633 Spirit Drive
Chesterfield, MO 63005

National Recovery Agency
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Harrisburg, PA 17111

Portfolio Recovery Associates
120 Corporate Blvd
Ste 100
Norfolk, VA 23502

QI Pathology
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Saint Charles, MO 63301

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